Waterfront Development/ Coastal Wetlands Permit Application

Cytec Industries Inc. Carteret, New Jersey

October 2003



CYTEC

CYTEC INDUSTRIES INC. Five Garret Mountain Plaza West Paterson, NJ 07424 Tel: (973) 357-3100

Transmitted Via Federal Express

October 21, 2003

New Jersey Department of Environmental Protection Land Use Regulation 501 East State Street Station Plaza 5, 2nd Floor Trenton, NJ 08625

Re: Waterfront Development/Coastal Wetland Permit Application

Applicant: Cytec Industries Inc.

5 Garrett Mountain Plaza West Paterson, NJ 07424

Owner: Same as Applicant

Cytec Carteret Facility, Carteret, New Jersey

-Block: Block 10, Lots 8, 9, 10, 12-21, and 28; Block 11.01, Lots 8-14

Dear Sir or Madam:

Enclosed please find an application for a Waterfront Development/Coastal Wetland Permit. This application package was prepared by Joseph K. Shisler and Alain P. Hebert of Blasland, Bouck & Lee, Inc.

In accordance with N.J.A.C. 7:7E, enclosed please find the application package titled Waterfront Development/Coastal Wetland Permit Application, including submission requirements for an administratively complete application package as attachments.

Attached to the above-referenced document, please find your fee in the form of Blasland, Bouck & Lee, Inc. Check #000180819 in the amount of \$500.00, made payable to "Treasurer, State of New Jersey." The fee was calculated as follows:

• For Waterfront Development Permits for any work requiring a general permit, or consisting solely of capital repairs or reconstruction with all work taking place landward of the mean high water line or the identical structural replacement of piles or other supports in the same location, the fee is \$500.00.

Thank you for your assistance. Should you have any questions or require additional information, please do not hesitate to contact Alain Hebert of Blasland, Bouck & Lee, Inc. at (609) 860-0590, extension 232.

Sincerely,

CYTEC INDUSTRIES INC.

Joel Jerome

Manager, Site Remediation

JJ/plb Enclosure

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

WATERFRONT DEVELOPMENT/COASTAL WETLANDS PERMIT APPLICATION

CHECKLIST FOR ADMINISTRATIVE COMPLETENESS

(7/03)

These are the submission requirements for an administratively complete application package for Waterfront Development and Coastal Wetland projects. Please read each section and check each area after you have fully completed the information for each applicable requirement. Visit our website at www.state.nj.us/dep/landuse for additional help and information.

additional help and information.	•	
V 1 Completed LUDD application form		
1. Completed LURP application form.		

- 2. Permit review fee in the form of a check, money order or government voucher (see fee schedule) Payable to: Treasurer, State of New Jersey, Environmental Services fund.
- 3. Photographs showing the specific location of the proposed development taken from a minimum of four different locations and labeled as to orientation. Submit originals mounted with description and location of each view.
- 4. State Plane coordinates for a point at the approximate center or the site. The accuracy of the State plane coordinate shall be within 50 feet of the actual center point of the site. Please use nad 1983. For assistance in determining the State plane coordinates for a site, contact the Department's Geographic Information (GIS) Office at (609) 777-0672.

 State Plane Coordinates are on each Figure

NOTE: For a shore protection development including beach nourishment, beach and dune maintenance or dune creation of one-half mile or less in length, the State plane coordinates shall include the coordinates for the end points of the development. For projects greater than one-half mile in length, the State plane coordinates shall include the coordinates for the end point of the development and the coordinates for points located at 1,000 foot intervals along the entire length of the development.

- 5. White certified mailing receipts or other written receipt as evidence that **three** complete copies of the application package have been submitted to the clerk of the municipality in which the development is proposed, including a letter requesting that the clerk distribute one copy to the planning board and one to the environmental commission. The third copy shall be maintained in the clerk's office.
- 6. White certified mailing receipts or other written receipts as evidence that a copy of (1) the completed LURP application form, (2) the site plan (this plan may be on an 8.5 by 11 inch sheet of paper provided it generally depicts the proposed development and the site location), and (3) the notice below have been forwarded to the following parties:
 - a) County Planning Board
 - b) County Environmental Commission (if one exists)
 - c) U.S. Army Corps of Engineers
 - d) Municipal Construction Official
 - e) Owners of real property, including easements, in accordance with 1 or 2 below:
 - 1. For linear developments of one-half mile or more in length or shore protection developments including beach nourishment, beach and dune maintenance, or dune

APPLICANT:
PROJECT NAME:
PROJECT DESCRIPTION:
PROJECT STREET ADDRESS:
BLOCK:
LOT:
MUNICIPALITY:
COUNTY:

The complete permit application package can be reviewed at either the municipal clerk's office or by appointment at the Department's Trenton office. The Department of Environmental Protection welcomes comments and any information that you may provide concerning the proposed development and site. Please submit your written comments within 15 days of receiving this notice to:

New Jersey Department of Environmental Protection
Land Use Regulation Program
P.O. Box 439
501 East State Street
Trenton, New Jersey 08625-0439
Attn: (Municipality in which the property is located) Section Chief."

- 7. Certified list of all owners of property within 200 feet of the property to be developed.
- 8. A copy of the public notice that was mailed to those parties listed at item 5 and 5(e)1 above.
- 9. Applications for sites within the Pinelands Preservation Area or Protection Area must submit either a Certificate for Filing, Notice of Filing, or a Certificate of Compliance from the Pinelands Commission along with the application. Applicants may contact the Pinelands Commission at (609) 894-7300 for further information.
 Not Applicable Site is not within Pinelands

NOTE: An application for a project in the Pinelands Area cannot be deemed administratively complete without the above.

- 10. Applications for installing a submarine cable or sand mining in the ocean must also contain verification that a certified mail notice (white mailing receipt or other written receipt is acceptable) that a complete LURP application form and NOAA nautical chart depicting he proposed cable route or limits of the proposed sand mining area. has been forwarded to the following organizations:
 - (1) Garden State Seafood Association;
 - (2) National Fisheries Institute;
 - (3) North Atlantic Clam Association

Not Applicable - Site activity does not include cables or sand mining

14. DREDGING APPLICATIONS shall be submitted to the Office of Dredging and Sediment Technology at P.O. Box 028, Trenton, NJ 08625-0028. Questions concerning dredging applications should be directed to the Office of Dredging and Sediment Technology as follows: Barnegat Bay and north including the New York Harbor (609) 292-9203; Little Egg Harbor and south including the Delaware River (609) 292-9342. Attachment "A" contains the additional information required for dredging projects.

Application packages shall be submitted to:

New Jersey Department of Environmental Protection Land Use Regulation Program P.O. Box 439 Trenton, New Jersey 08625-0439 Attn: Application Support Not Applicable - no dredging

ATTACHMENT 1 LURP FORM

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of the party of

State of New Jersey Department of Environmental Protection Land Use Regulation Program Application Form (LURP #1)

PLEASE PRINT OR TYPE THE FOLLOWING: (Complete all sections unless otherwise noted) NOTE: If you are applying for a CAFRA Permit by Rule, you need to complete items 1 thru 6 and the signature area on page 3 only. Cytec Industries, Inc. Daytime Phone #(973) 425-8400 1. Applicant Name Address 5 Garrett Mountain Plaza West Paterson State NJ Zip 07424 City Andrew N. Johnson; P.E. Firm Blasland, Bouck & Lee, Inc. 2. Agent Name Address 8 South River Road (609) 860-0590 Phone # Cranbury State NJ Zip_08512 Cytec Carteret 3. Project Name Location (Street Address) ____ Municipality _Carteret Middlesex County Block 10; Lots 8, 9, 10, 12 - 21, 28 Block(s) Block 11.01; Lots 8 - 14 Lot(s) 2125400 State Plane Coordinates N 640850 Ε Nearest Waterway Rahway River & Arthur Kill Watershed Arthur Kill Total Fees \$500 Fees Paid*_____ Project Cost_____ Check Number_000180819_ 4. *(Official Use Only) (See attached fee schedule) 5. Project Description: _Repair of an existing single-vehicle bridge that provides access and spans a tidal creek area, and repair of a breach in an impoundment berm, including improvement of the berm to support a ____ gravel access road. FOR OFFICIAL USE ONLY File Number Permit Code Date Received Project Manager 20th Day Project Engineer 90th Day Date Entered Points Assigned **ASU Date** Xref File #

APPLICANT SIGNATURE*

 ${}^{\textstyle *} \text{All applicants must complete this section including those applying for Permit by Rule}.$

I certify under penalty of law that the information provided in this document is true and accurate. I am aware that there are significant civil and criminal penalties for submitting false or inaccurate information. (If corporate entity, print/type the name and title of person signing on behalf of the corporate entity.)

AL CO		
Signature of Applicant/Owner	· · · · · · · · · · · · · · · · · · ·	Signature of Applicant/Owner
Windles .		
Date		Date
PROPERTY OWNER'S CERTIFICATION		
for the purpose of conducting a site inspection or so In addition, the undersigned property owner hereb	· .	ject site.
1. Whether any work is to be done within an ease	ment - Yes	No <u>X</u>
2. Whether any part of the entire project (e.g., plocated within property belonging to the State of		by, cable, transmission line, structure, etc.) will by Yes X No
	•	
	-	
	_	
	_	
		Type or Print Name and Address of Owner, if different from item 1 on Page 1
10/67/03		All Arch
'Date		Signature of Property Owner

BBL BLASLAND, BOUCK & LEE, INC. Blasland, Bouck, & Lee, Inc. 6723 Towpath Road PO Box 66 Syracuse, NY 13214 315-446-9120 JPMorgan Chase Bank SYRACUSE, NEW YORK 13214 50-937/213

000180819

DATĖ

CONTROL NO.

AMOUNT

10/14/2003

000180819

\$500.00

PAY

Five Hundred And 00/100 Dollars

To The

Order Of TREASURER-STATE OF NEW JERSEY

LAND USE REGULATION PROGRAM

PO BOX 439 NJDEP

TRENTON, NJ 08625-0439

Mosses L. Fraces

Memo:

THIS DOCUMENT HAS A COLORED FACE AND CONTAINS A WATERMARK THAT IS VISIBLE WHEN HELD TO THE LIGHT. ABSENCE OF THESE FEATURES INDICATES A COPY.

Blasland, Bo Voucher No.	vuck, & Lee, Inc. Vendor ID	Invoice Number	Invoice Date	Invoice Amt.	000180819 Net Amount Paid
311139	TREA014		10/14/2003	\$500.00	\$500.00
Subtotals Totals				\$500.00 \$500.00	

ATTACHMENT 2 SITE PHOTOGRAPHS Waterfront Development/Coastal Wetland Permit Application Cytec Carteret Facility, Carteret, New Jersey Cytec Industries Inc. (Block 10, Lots 8, 9, 10, 12-21, and 28; Block 11.01, Lots 8-14)



Photograph 1: View of bridge looking from an upstream (western) location, prior to repair



Photograph 2: View of bridge looking from a downstream (eastern) location, prior to repair



Photograph 3: View of bridge from upland area south of bridge



Photograph 4: View of upland area south of bridge



Photograph 5: Tidal wetlands downstream (East) of bridge



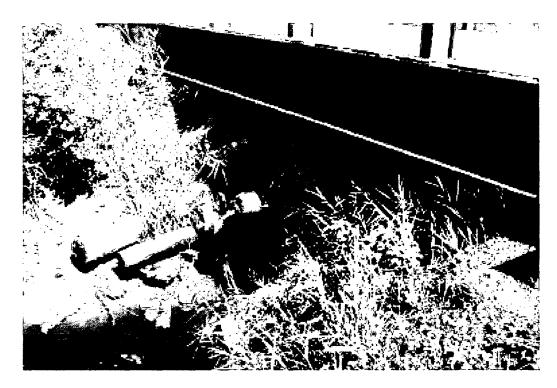
Photograph 6: Tidal wetlands upstream (west) of bridge



Photograph 7: Repaired steel-deck bridge, directly replacing old bridge (see Photograph 3)



Photograph 8: Undisturbed drainage culvert beneath steel-deck bridge



Photograph 9: Undisturbed drainage culvert beneath steel-deck bridge



Photograph 10: Typical impoundment berm gravel roadway

ATTACHMENT 3
PROOF OF NOTIFICATION



CYTEC INDUSTRIES INC. Five Garret Mountain Plaza West Paterson, NJ 07424 Tel: (973) 357-3100

Transmitted Via Certified Mail/Return Receipt Requested

October 21, 2003

Borough of Carteret Municipal Clerks Office 61 Cooke Avenue Carteret, NJ 07008

Re: Waterfront Development/Coastal Wetland Permit Application

Applicant: Cytec Industries Inc.

5 Garrett Mountain Plaza West Paterson, NJ 07424

Owner: Same as Applicant

Cytec Carteret Facility, Carteret, New Jersey

Block: Block 10, Lots 8, 9, 10, 12-21, and 28; Block 11.01, Lots 8-14

Dear Sir or Madam:

Enclosed please find three copies of an application for a Waterfront Development/Coastal Wetland Permit. This application package was prepared by Joseph K. Shisler and Alain P. Hebert of Blasland, Bouck & Lee, Inc. In accordance with N.J.A.C. 7:7E, you are hereby presented with three copies of the application package titled Waterfront Development/Coastal Wetland Permit Application. One of these copies should be distributed to the planning board, another should be distributed to the environmental commission, and the third should be maintained in the clerk's office.

Thank you for your assistance. Should you have any questions or require additional information, please do not hesitate to contact Alain Hebert of Blasland, Bouck & Lee, Inc. at (609) 860-0590, extension 232.

Sincerely,

CYTEC INDUSTRIES INC.

Joel Jerome

Manager, Site Remediation

JJ/plb Enclosures



Borough of Carteret

MIDDLESEX COUNTY

61 COOKE AVENUE CARTERET, NEW JERSEY 07008

Phone

(908) 541-3825

Fax

(908) 541-2884

December 5, 2002

Att.: Alex Francisco BBL, Inc. 8 South River Road C R A N B U R Y, N.J. 08512

Dear Sirs :

As per your request, the following properties, are 200 square feet around the property locate at landfield also been known as Block 10 , Lot 8,9,10,12 T. 21 and &11.1 10 T. 14

If you need further information, please do not hesitate to contact this office.

Sincerely

William H. Marbechtt, C.T.A.

Tax Assessor

WM/GS/

SLOC	K LOT	QUAL	PROPERTY LOCATION	OWNERS NAME	ADDRESS	CITY	STATE	ZIP
9.3	5.1	1	SALT MEADOW	GATX %KINDER TAX DEPT	500 DALLAS ST, SUITE 1000	HOUSTON	TEXAS	77002
9.3	6.2		SALT MEADOW	GATX %KINDER TAX DEPT	500 DALLAS ST, SUITE 1000	HOUSTON	TEXAS	77002
8.3	21		SALT MEADOW	CARTERET DEVELOPMENT, LLC	5 GARRET MOUNTAIN PLAZA	WEST PATERSON	NEW JERSEY	07424
10	5	1	SALT MEADOW	GATX %KINDER TAX DEPT	500 DALLAS ST, SUITE	HOUSTON	TEXAS	77002
10	б	·	SALT MEADOW	GATX %KINDER TAX DEPT	500 DALLAS ST, SUITE 1000	HOUSTON	TEXAS	77002
10	7	1	SALT MEADOW	GATX %KINDER TAX DEPT	500 DALLAS ST, SUITE 1000	HOUSTON	TEXAS	77002
10	11		SALT MEADOW	BOROUGH OF CARTERET	61 COOKE AVENUE	CARTERET	NEW JERSEY	07008
10	22		SALT MEADOW	GATX %KINDER TAX DEPT	500 DALLAS ST, SUITE 1000	HOUSTON	TEXAS	77002
10	24		SALT MEADOW	AMOCO %ERNST & YOUNG LLP	PO BOX 06529	CHICAGO	ILLINOIS	60606-852
10	25		SALT MEADOW	GATX %KINDER TAX DEPT	500 DALLAS ST, SUITE	HOUSTON	TEXAS	77002
11.1	8		SALT MEADOW	CARTERET DEVELOPMENT, LLC	5 GARRET MOUNTAIN PLAZA	WEST PATERSON	NEW JERSEY	07424
11.1	9		SALT MEADOW	BOROUGH OF CARTERET	61 COOKE AVENUE	CARTERET	NEW JERSEY	07008
11.1	15		SALT MEADOW	MIDDLESEX LANDFILL CORP	238 SHEPERD AVENUE	EAST ORANGE	NEW JERSEY	07018
11.5	76		SALT MEADOW	G & G EXCAVATING CO & S & E GORECKI	15 SHAROT STREET	CARTERET	NEW JERSEY	07008
11.1	27		SALT MEADOW	BOROUGH OF CARTERET	81 COOKE AVENUE	CARTERET	NEW JERSEY	07008
11.1	28		SALT MEADOW	CARTERET DEVELOPMENT, LLC	5 GARRET MOUNTAIN PLAZA	WEST PATERSON	NEW JERSEY	07424

EASEMENT

Michael F. Stonack, Manager, Engineering Design

One Elizabethtown Plaza, 3rd Flr. East

Union, New Jersey 07083

EASEMENT

Elizabethtown Water c/o Property Manager

1341 North Avenue Plainfield, NJ 07061

EASEMENT

Public Service Electric & Gas Company

900 W Grand St., Elizabeth, New Jersey 07202

EASEMENT

New Jersey Bell Telephone Company

657 Florida Grove Rd., Hopelawn, NJ 08861

EASEMENT

Suburban Cablevision

800 Rahway Ave., Union, NJ 07083

EASEMENT

Sun Pipe Line Company Right of Way Dept.-26th Floor

1801 Market St.,

Philadelphia, PA 19103-1699

WATERFRONT

U.S. Army Corps of Engineers, New York District

26 Federal Plaza, New York, NY 10278

N.J. D.E.P.

N.J. Department of Environmental Protection

CN 402, Trenton, New Jersey 08625

BOROUGH OF CARTERET



EMANUEL FRANGELLA, JR., C.T.A. ASSESSOR

City of Linden

Union County, New Jersey
Tax Assessors
City Hall - 301 No. Wood Avenue
Linden, New Jersey 07036

(908) 474-8438

December 3, 2002

Blasland, Bouck & Lee, Inc. Alex Francisco 8 South River Road Cranbury, New Jersey 08512

Dear Mr. Francisco:

As per your request, I am furnishing you with a certified list of property owners in Linden located within the 200' radius of the subject property known as Borough of Carteret, Block 10 Lots 8,9,10, 12 though 21: Block 11.01, Lots 10 through 14.

Very truly yours,

Emanuel F. Frangella, Jr. C.T.A.

Tax Assessor

EFF:hs

LIST CERTIFIED TO BE AN ABSTRACT OF TRUE RECORD CONTENT

BLOCK	LOT	QUA	PROPERTY LOCATIO	OWNERS NAME	ADDRESS	CITY	STATE	. ZIP
587	13		4800 TREMLEY PT R	CITGO PETROLEUM CORP	P O BOX 3758	+TULSA	MA	74102
587	14 -		4700 TREMLEY PT R	TREMLEY POINT INDUSTRIES C/O M DOTR	1300 LOWER RD	LINDEN	NJ	07036
587	15.1		4400 TREMLEY PT R	EARTH CARE SYSTEMS INC	1511 NEW MARKET AVE	S PLAINFIELD	NJ	07080
587	16		4050 TREMLEY PT R	GEORGE SACKS INC	955 WEST SIDE AVE	JERSEY CITY	NJ	07301

Notified Parties for Letter of Interpretation Extension Block 10, Lots 8, 9, 10, and 12 through 24; Block 11.01, Lots 10 through 14 Carteret, New Jersey

lame	Address	Township/Borough	Block	Lot
Sorough of Carteret	Salar and the company of the last property of the salar	4 34 3 38 4 3 3 7 4 4	."	
Borough of Carteret Construction Department	61 Cooke Avenue	Carteret		
ttn: Anthony Neibert	Carteret, NJ 07008			
ATX	500 Dallas St	Carteret	9.3	5.1
/o Kinder Tax Department	Suite 1000	- Junioro	0.0	J. 1
70 Kinder rax Department				
	Houston, TX 77002		<u> </u>	. ·
ATX	500 Dallas St	Carteret	9.3	6.2
/o Kinder Tax Department	Suite 1000		-	•
	Houston, TX 77002			
Carteret Development LLC	5 Garret Mountain Plaza	Carteret	9.3	21
arteret Development LLO	• .	Carteret	9.5	,21
	West Patterson, NJ 07424			
ATX	500 Dallas St	Carteret	10	5
/o Kinder Tax Department	Suite 1000			
	Houston, TX 77002			
ATX	500 Dallas St	Carteret	10	6
	·	Caneret	10	U.
o Kinder Tax Department	Suite 1000			
	Houston, TX 77002	<u> </u>		
ATX	500 Dallas St	Carteret	10	7
/o Kinder Tax Department	Suite 1000			
	Houston, TX 77002			
arough of Cartarat		C-4	40	- 24
orough of Carteret	61 Cooke Avenue	Carteret	10	. 11
	Carteret, NJ 07008			
moco	PO Box 06529	Carteret	10	24
o ERNST& Young LLP	Chicago, IL 60606-0529			
ATX	500 Dallas St	Carteret	10	25
		Carterer	. 10	23
o Kinder Tax Department	Suite 1000		•	
	Houston, TX 77002			
arteret Development LLC	5 Garret Mountain Plaza	Carteret	11.1	8
	West Patterson, NJ 07424			
orough of Carteret	61 Cooke Avenue	Carteret	11.1	9
orough or Carteret		Canerei	11.1	9
	Carteret, NJ 07008		<u> </u>	
Middlesex Landfill Corporation	238 Sheppard Avenue	Carteret	11.1	15
••	East Orange, NJ 07018			
&G Excavating Company and S&E Gorecki	15 Sharrot Street	Carteret	11.1	16
and interesting company and our dollows	Carteret, NJ 07008	Gartorot		
Sorough of Carteret	61 Cooke Avenue	Carteret	11.1	27
	Carteret, NJ 07008	<u> </u>	<u> </u>	
Carteret Development LLC	5 Garret Mountain Plaza	Carteret	11.1	28
	West Patterson, NJ 07424			
ity of Linden			STANDAY IN THE	WARRING S
ity or crider.			on the same	0.37275-14
City of Linden Building Department	301 North Wood Avenue	Linden		
	Linden, NJ 07036	·	·	
CITGO Petroleum Corporation	PO Box 3758	Linden	587	13
	Tulsa, MA 74102			
remley Point Industries	1300 Lower Road	Linden	587	11
		Linden	567	14
/o M DOTR	Linden, NJ 07036			
arth Care Systems Incorporated	1511 New Market Avenue	Linden	587	. 15.1
	South Plainfield, NJ 07080			
George Sacks Incorporated	955 West Side Avenue	Linden	587	16
solas edena meripolatea		LINGETT	, 307	10
	Jersey City, NJ 07301			
ngineering Design	One Elizabethtown Plaza	Linden		
ittn: Michael F. Stonack	3rd Floor East			
	Union, NJ 07083	250		
lizabethtown Water	1341 North Avenue	Linden		
		Enlock		
/o Property Manager	Plainfield, NJ 07061			
Public Service Electric & Gas Company	900 West Grand Street	Linden	•	
	Elizabeth, NJ 07202			
New Jersey Bell Telephone Company	657 Florida Grove Road	Linden		-
tott dordey ben i disprione company		LINGH		
	Hopelawn, NJ 08861		<u> </u>	<u> </u>
Suburban Cablevision	800 Rahway Avenue	Linden		
	Union, NJ 07083	•		
Sun Pipe Line Company	1801 Market Street	Linden	- i i -	
		Linden		
Attn: Right of Way Department	26th Floor			
	Philadelphia, PA 19103-1699			



Transmitted Via Certified Mail/Return Receipt Requested

October 10, 2003

GATX c/o Kinder Tax Department 500 Dallas Street Suite 1000 Houston, TX 77002

Re: Waterfront Development/Costal Wetland Permit Application Notification

Submitted By: Cytec Industries Inc.

Regarding Property At: Block 10, Lots 8, 9, 10, 12 through 21 and 28;

Block 11.01, Lots 8 through 14 Borough of Carteret, Middlesex County

Dear Sir or Madam:

This letter is to provide you with legal notification that an application will be submitted to the New Jersey Department of Environmental Protection (NJDEP), Land Use Regulation Program for a Waterfront Development/Costal Wetlands Permit for:

- the repair of an existing single-vehicle bridge that provides site access and spans a tidal creek area; and
- the repair of a breach in an impoundment berm, and improvement of the berm to support a gravel access road.

Rehabilitation of the bridge is necessary for continued maintenance of the site, and does not include expansion of the bridge into wetland areas that were previously unimpacted. Repair and improvement of the impoundment berm is also necessary for continued maintenance at the site and does not impact wetland areas that were previously unimpacted.

The complete permit application package can be reviewed at either the municipal clerk's office or by appointment at the Department's Trenton office. The Department welcomes any comments that you may provide concerning the proposed development and site. Please submit your written comments within 15 days of receiving this letter to:

New Jersey Department of Environmental Protection Land Use Regulation Program P.O. Box 439 Trenton, New Jersey 08625-0439 Attn: Borough of Carteret Section Chief If you have questions regarding the application, please do not hesitate to contact me at (609) 860-0590 extension 232.

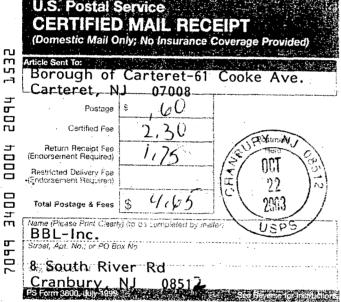
Sincerely,

BLASLAND BOUCK LEE, I

Alam P. Hebert, P.E. Senior Engineer/Manager

APH/CAL/plb Enclosures







(Domestic Mail O	and the second	Coverage Provided)			
Article Sent Top: CITGO Pet P,O, Box	roleum Corp 3758 Tulsa,				
Postage	* .WO				
Certified Fee	2.30	JRY NJ			
Return Flacelpt Fea (Endorsement Required)	1,75	POSITION OF			
Restricted Delivery Fee (Endorsement Required)		(c) 22 /N			
Total Postage & Fees	\$ 4,65	2003			
BBL inc.	y) (to be completed by me				
Street Apt. No.: or PO Box No. 8 South River Road					
Cranbury	, NJ 0851	12			
PS Form 3800, July 1999	是的话是她。今.	See Reverse for Instructions			

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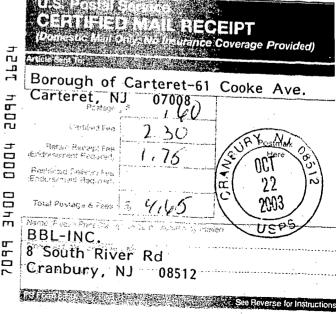
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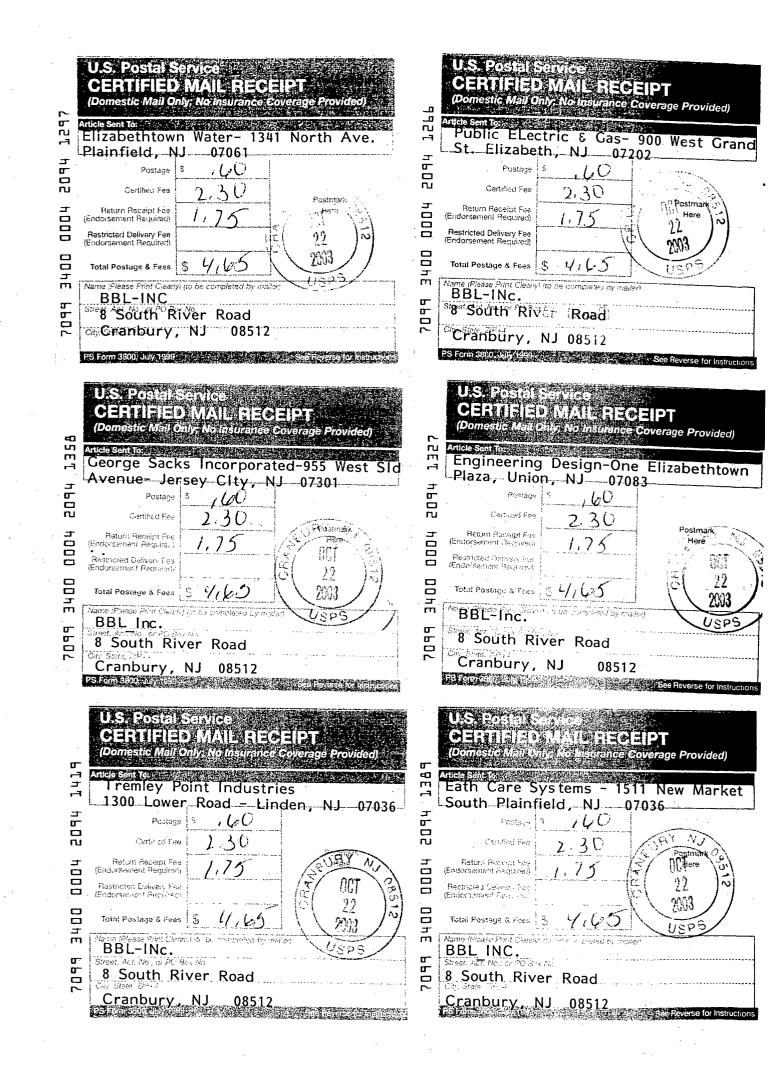
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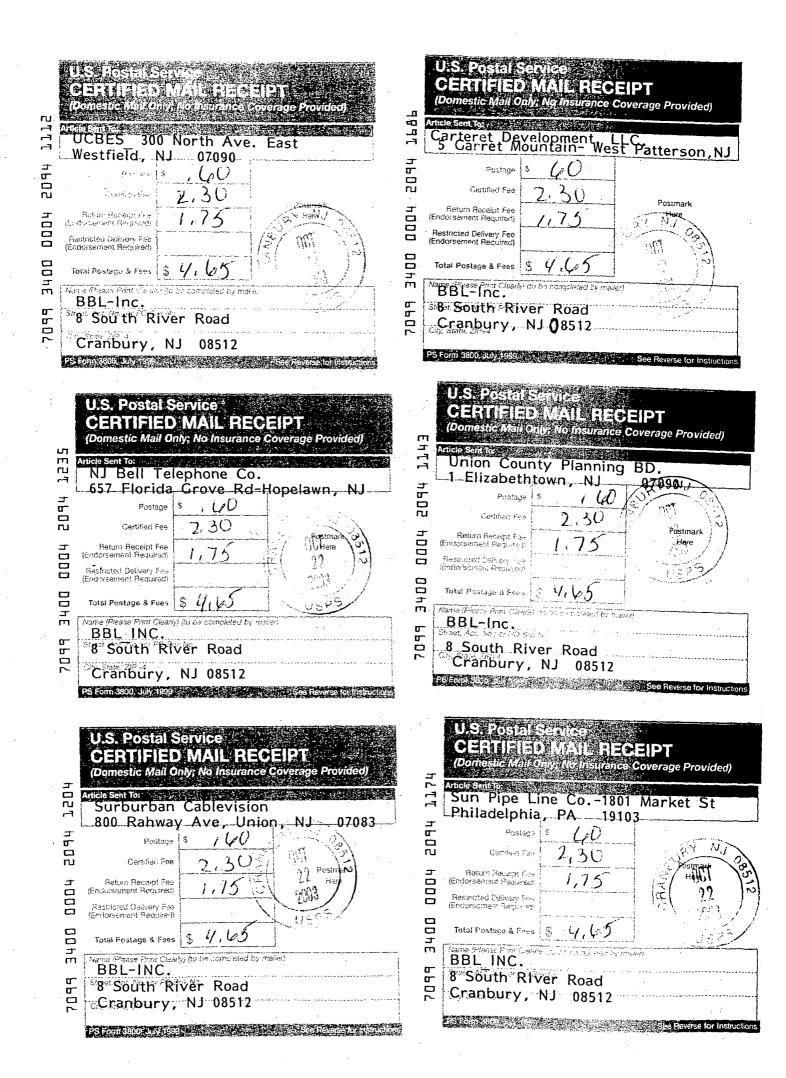
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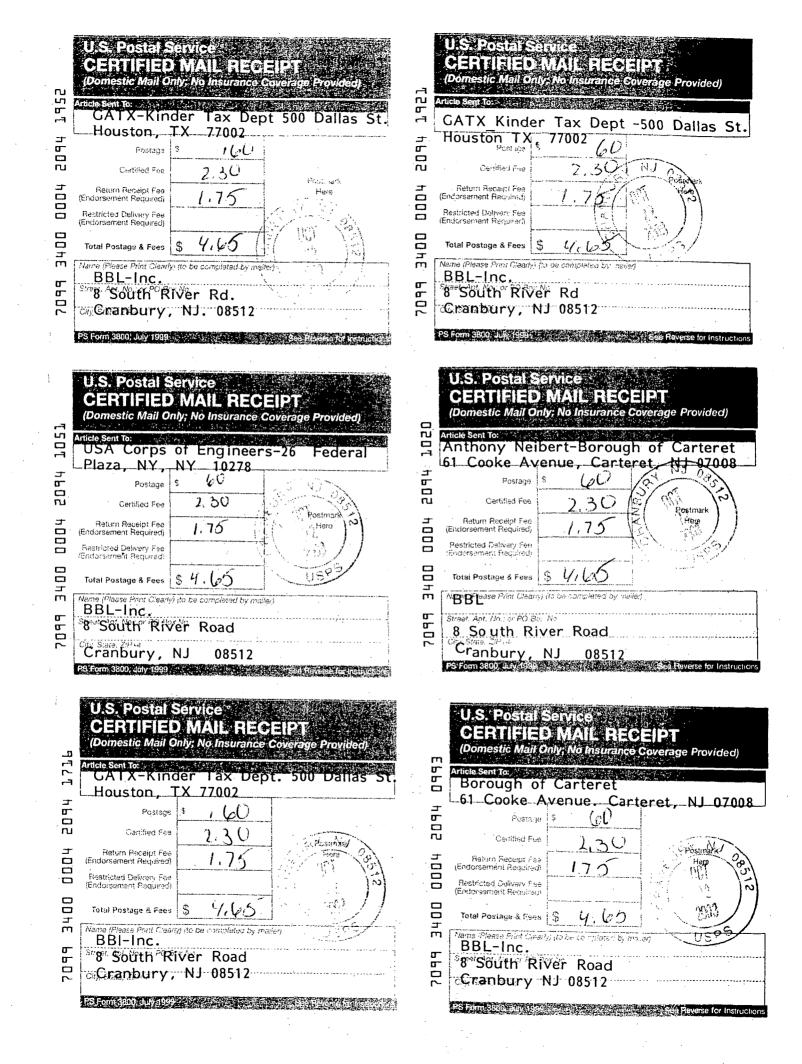












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7 D B	Middlesex	County Pla	nning Bd.	
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7099	South Ri Cranbury,	ver Road		
			See Reverse for Instr	uctions

ATTACHMENT 4
COMPLIANCE STATEMENT

Compliance Statement Waterfront Development/Coastal Wetlands Permit Application

Cytec Industries Inc. Carteret, New Jersey

October 2003



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Executive Summary

On behalf of Cytec Industries Inc. (Cytec), Blasland, Bouck & Lee, Inc. (BBL) prepared the following compliance statement as part of a Waterfront Development/Coastal Wetlands Permit (the permit) application. The permit is being submitted to the New Jersey Department of Environmental Protection (NJDEP) Land Use Regulation Program (LURP) for approval as a component of proposed maintenance activities at Cytec's Carteret facility (the site) in Carteret Borough, Middlesex County, New Jersey. A site map is presented as Figure 1.

Operational and design components of maintenance activities to be authorized under this permit include:

- Repair of the existing single-vehicle bridge that provides site access and spans a tidal creek area (near wetland delineation flags A11 to A12 and B3 to B4 [Figure 2]). Bridge repair consisted of placing a new steel bridge over the existing span, supported by two small concrete footings; and
- Repair of a berm along Impoundment No. 4 (near wetland delineation flag A38 [Figure 2]). Repair of the berm near Impoundment 4 consists of improving the berm to support a gravel access road that will be used to reach and repair a breach in the berm and facilitate future maintenance and inspection of the berm.

Areas to be disturbed by maintenance activities are outside of wetland delineation lines for the site and consist primarily of built structures such as impoundment berms and gravel access roads, which contain sparse vegetative cover. Figure 2 presents areas where proposed activities to be authorized under this permit will be conducted. Construction plans for the bridge repair and berm repair are presented on Figures 3 and 4, respectively, and Figure 5 shows the expected final site conditions following bridge and berm repair. Bridge repair was required immediately due to site health and safety considerations as well as local fire ordinances, and was completed without impact to site wetlands. No changes in housing, transportation patterns, utilities, public services, or recreational uses did/will occur as a result of repair activities.

The site is located adjacent to the Rahway River in Carteret Borough, Middlesex County, New Jersey. A site location map is presented as Figure 1. The facility occupies an approximately 120-acre parcel of land situated on Block 10, Lots 8, 9, 10, 12 through 21, and 28, and Block 11.01, Lots 8 through 14, as designated by the Carteret Borough tax map.

The property contains six bermed impoundments formerly used at the Cytec Warners Plant located across the Rahway River from the site. The impoundments occupy approximately 85 acres of the site. The remaining areas of the site are composed primarily of gravel access roads and tidal wetlands. To control dust, a water cover was established over Impoundment 6. Soil and vegetative covers were established over the remaining five impoundments (i.e., Impoundments 1 through 5).

Surveys conducted by Crest Engineering Associates, Inc. in 1997 indicate elevations over the impoundments range from approximately 8 to 14 feet above mean sea level (amsl). The 100-year floodplain elevation on the site is 9 ft amsl, the mean high water elevation at the site is 3.5 feet amsl, and the mean low water elevation at the site is 2 feet below mean sea level (bmsl). Wetland areas cover approximately 35 acres of the approximately 120-acre site. Wetlands were delineated in July 1997 and a Freshwater Wetlands Letter of Interpretation (LOI) (NJDEP LURP File # 1201-97-0004.1) was issued on March 13, 1998. A Freshwater Wetland LOI Extension package was submitted to NJDEP LURP in February 2003 (NJDEP LURP File #1201-03-0003.1). Figure 2 presents the delineation boundaries of wetland areas on the site, as submitted in the Freshwater Wetland LOI Extension. The site drains to the Rahway River and the associated wetlands of Cross Creek. The Rahway River

is a tributary to the Arthur Kill and is in the Passaic, Hackensack and New York Harbor Complex Basin. The Rahway River is classified as saline estuarine waters (SE3) by NJDEP Surface Water Quality Standards N.J.A.C. 7:9B.

Based on a site inspection, assessment of available site data, and review of the relevant Coastal Zone Management Rules (N.J.A.C. 7:7E Subchapters 3 through 8), no substantial or long-term adverse environmental effects on the site or site vicinity are anticipated from proposed activities. Additionally, the Letter of Interpretation approved by NJDEP LURP on March 13, 1998 (NJDEP LURP File #1201-97-0004.1), indicates that proposed activities to be authorized under this permit, which are maintenance activities of existing artificial features, will occur in the buffer zone of coastal wetland areas as defined by the Wetlands Act of 1970, and are therefore exempt from any transition zone permitting requirements by the Freshwater Wetlands Act Rules (N.J.A.C. 7:7A-2.6(b)1.i.(8)). In addition to the required portions of this permit, necessary materials to complete the Borough of Carteret Zoning/Building permit will be submitted to the proper agents to complete proposed activities.

A pre-application conference was held with Ms. Tina Wolff of NJDEP LURP on June 24, 2003 to review the necessary rules that would be addressed in the application (see attached permit checklist).

1. Introduction

On behalf of Cytec Industries Inc. (Cytec), Blasland, Bouck & Lee, Inc. (BBL) has prepared the following compliance statement as part of a Waterfront Development/Coastal Wetlands Permit (the permit) application. The permit is being submitted to the New Jersey Department of Environmental Protection (NJDEP) Land Use Regulation Program (LURP) for approval as a component of proposed maintenance activities at Cytec's Carteret facility (the site) in Carteret Borough, Middlesex County, New Jersey. This compliance statement describes existing environmental conditions on the site and evaluates potential adverse environmental impacts associated with operational and design components of maintenance and repair activities.

1.1 Project Description

Operational and design components of maintenance and repair activities to be authorized under this permit include:

- Repair of the existing single-vehicle bridge that provides site access and spans a tidal creek area (near
 wetland delineation flags A11 to A12 and B3 to B4 [Figure 2]). Bridge repair consisted of placing a
 new steel bridge over the existing span, supported by two small concrete footings; and
- Repair of a berm along Impoundment No. 4 (near wetland delineation flag A38 [Figure 2]). Repair of the berm near Impoundment 4 consists of improving the berm to support a gravel access road that will be used to reach and repair a breach in the berm and facilitate future maintenance and inspection of the berm.

Areas to be disturbed by maintenance and repair activities are outside of wetland delineation lines for the site and consist primarily of built structures such as impoundment berms and access roads, which contain sparse vegetative cover. Figure 2 shows the locations where activities will be conducted as authorized under this permit. Construction plans for the bridge repair and berm repair are shown on Figures 3 and 4, respectively. Figure 5 shows the expected final site conditions following bridge and berm repair. Bridge repair was required immediately due to site health and safety considerations as well as local fire ordinances, and was completed without impact to site wetlands. No changes in housing, transportation patterns, utilities, public services, or recreational uses will occur as a result of proposed activities.

1.2 Site Description

The site is located adjacent to the Rahway River in Carteret Borough, Middlesex County, New Jersey. A site location map is presented as Figure 1. The facility occupies an approximately 120-acre parcel of land situated on Block 10, Lots 8, 9, 10, 12 through 21, and 28, and Block 11.01, Lots 8 through 14, as designated by the Carteret Borough tax map.

The remaining areas of the site are composed primarily of gravel access roads and tidal wetlands. To control dust, a water cover was established over Impoundment 6. Soil and vegetative covers were established over the remaining five impoundments (i.e., Impoundments 1 through 5).

Surveys conducted by Crest Engineering Associates, Inc. in 1997 indicate elevations over the impoundments range from approximately 8 to 14 feet above mean sea level (amsl). The 100-year floodplain elevation on the site is 9 feet amsl, the mean high water elevation at the site is 3.5 feet amsl, and the mean low water elevation at the site is 2 feet below mean sea level (bmsl). Wetland areas cover approximately 35 acres of the approximately

120-acre site. Wetlands were delineated in July 1997 and a Freshwater Wetlands Letter of Interpretation (LOI) (NJDEP LURP File # 1201-97-0004.1) was issued on March 13, 1998. A Freshwater Wetland LOI Extension package was submitted to NJDEP LURP in February 2003 (NJDEP LURP File #1201-03-0003.1). Figure 2 presents the delineation boundaries of wetland areas on the site, as submitted in the Freshwater Wetland LOI Extension.

Wetlands on the site consist of tidal saltmarsh wetlands and high-marsh wetland ecotonal edges. Wetland areas exist on the edges of impoundment areas and continue to the Rahway River. N.J.A.C. 7:9B classifies the Rahway River near the site as SE3, a saline estuarine water body. Hydrology of site wetlands is dominated by fluctuating tidal levels of the Rahway River. Wetland soils onsite consist of Psamments (somewhat poorly drained sandy fill material) and Sulfaquents/Slufihemists (very poorly drained organic and mineral soils subject to tidal flooding). Wetland vegetation in saltmarsh areas is dominated by herbaceous species including Spartina patens (saltmeadow cordgrass), Phragmites australis (common reed), and Juncus gerardii (saltmeadow rush). Trees and shrubs, such as Ailanthus altissima (Chinese tree-of-heaven), Prunus serotina (wild black cherry), Bacharis halmifolia (Eastern false-willow), and Iva frutescens (big-leaf sumpweed) are the dominant vegetation in the high-marsh ecotonal edge wetlands.

1.3 Historical Operations

From the 1930s to 1974, the American Cyanamid Company operated six bermed impoundments at the Carteret facility for the management of by-product material from the production of alum and yellow prussiate of soda (YPS). Approximately 1.5 million tons of material has been deposited in site impoundments, which occupy approximately 85 acres of the site. Areas outside of site impoundments are tidal wetlands.

1.3.1 Soil and Impounded Material Conditions

The material placed in the impoundments at the site is generally non-plastic, fine-grained, and light grey with a silty appearance. It is typically sensitive (i.e., an initially stiff material capable of turning into a highly viscous liquid following disturbance) and is somewhat thixotropic, in that it will often gain back most of its initial strength after being disturbed. The time of strength recovery appears to vary from several hours to several days. In repeated analyses (late 1950s, 1981, 1986, and 1991), the impounded material consistently revealed a chemical composition of inorganic ions and salts characteristic of alum and YPS. Analytical data from the late 1950s describes the neutral material composition in Impoundments 1 and 2 as predominantly gypsum (90%) and calcium carbonate (2 to 3%). In 1991, the NJDEP collected and analyzed 10 samples from the impoundments for organic and inorganic constituents. Analytical results from these samples indicate that concentrations of inorganics reflect the composition of alum and YPS, and that concentrations of organics were less than the applicable NJDEP soil cleanup criteria or were comparable to or less than background conditions reported for New Jersey soils (NJDEP, 1992).

1.4 Regulatory Status

The site was the subject of two state-mandated environmental programs, including a Consent Decree and an Administrative Consent Order (ACO). The investigative, engineering, and construction efforts completed in accordance with requirements of these programs resulted in NJDEP issuing a no further action (NFA) and covenant not to sue (CNS) letter in 2002 following approval of a monitor/maintenance-only remedial action program, which began implementation in 1995.

Report Organization 1.5

This remainder of this report is organized as follows:

- Section 1 Introduction;
- Section 2 Environmental Inventory;
- Section 3 Relevant Policies; and
- Section 4 Conclusions.

2. Environmental Inventory

In February 1998, an environmental inventory was conducted by Joseph K. Shisler, Ph.D. of Shisler Environmental Consultants. This section presents a summary of the environmental conditions on the site, based on the 1998 inventory. Information in this section serves as the basis for evaluating Coastal Zone Management Rules evaluated in Section 3.

2.1 Soils

The U.S. Department of Agriculture Soil Conservation Service, Middlesex County Soil Survey (Powley, 1987) identifies three soil mapping units for the site. The soils for the site are mapped Psamments (PW), Sulfaquents and Sulfihemists (SU), and Urban land (UL). The following sections present a description of each soil series.

Psamments

Psamments series consist of moderately deep to deep, excessively drained to somewhat poorly drained soils that formed in stratified or graded sandy fill material (Powley 1987). The soils are extremely acidic or very strongly acidic. They consist of dredge material principally from the South River and the Raritan River that has been placed on adjoining Sulfaquents or Sulfihemists. There are a wide range of soil characteristics due to texture and thickness.

Sulfaquents and Sulfihemists

Sulfaquents consist of deep, poorly drained or very poorly drained, nearly level mineral soils that are subject to tidal flooding. The soils are on tidal flats adjacent to bays and tidal streams. The surface layer is slightly acidic and has a hue of 7.5YR to 10YR, value of 3 or 4, and chroma of 2. The dominant texture is muck. The thickness of the surface layer is variable, but generally is 10 to 16 inches. The substratum dominantly is neutral and has a hue of 10YR or 5Y, value of 3 to 5, and chroma of 1 or 2. In some profiles, dark yellowish brown mottles are in the substratum which is mainly loamy sand or sand but has some mucky lenses (Powley, 1987). Sulfaquents are classified as a Group 1 hydric soil according to Tiner (1985) meaning they nearly always display consistent hydric conditions. Sulfaquents would meet the hydric soil criterion since they are poorly drained to very poorly drained and frequently flooded (Federal Interagency Committee for Wetland Delineation [FICWD], 1989).

Sulfihemists consist of deep, poorly drained or very poorly drained, nearly level organic soils that are subject to tidal flooding. The soils formed over stratified silty and sandy sediments of fluviomarine origin. The surface and subsurface layers dominantly are neutral or have a hue of 10YR or 2.5Y, and a value of 3 or 4, with a chroma of 0 to 2. The upper organic layer is generally more than 20 inches thick and is muck. The mineral layers below it range from silt loam to silty clay. The depth to the sandy substratum generally is more than 51 inches.

Urban Land

Urban land consists of areas where more than 80 percent of the surface is covered by impervious surface. These areas are usually nearly level to moderately sloping, but a few are strongly sloping and steep. Fill materials have been used in places to build up wet soils. Most areas have been excavated or filled with material that is now almost totally paved.

The Middlesex County Soil Survey indicates that the site had been previously used for the deposition of processed silica. The majority of the site is mapped as PW with the next largest area mapped as UL. Psamments consist of dredge material principally from the South River and the Raritan River, while UL soils are associated with development activities.

Following site inspection, Shisler Environmental Consultants, Inc. concluded that soils mapped as wetlands on the site would meet the criteria for hydric conditions as promulgated by the FICWD (1989).

2.2 Topography

Topography of the site is nearly level and lies at an elevation of approximately 10 feet amsl. Elevation on-site varies due to the creation of impoundments and associated dikes. The perimeter of the site slopes towards the Rahway River to the north and east, while the site slopes towards wetland areas to the west.

2.3 Hydrology

The site drains to the Rahway River and the associated wetlands of Cross Creek. The Rahway River is a tributary to the Arthur Kill and is in the Passaic, Hackensack and New York Harbor Complex Basin. The Rahway River is classified as saline estuarine waters (SE3) by NJDEP Surface Water Quality Standards N.J.A.C. 7:9B. Water covers that periodically hold rain water exist on some site impoundments to lessen potential for production of air-borne dust particles.

2.4 Vegetation

Vegetation on the site consists of species common to disturbed areas. Tidal salt marsh areas are present adjacent to the Rahway River and are surrounded by high marsh ecotone as elevation increases along impoundments. The majority of the areas within the impoundments consist of upland species.

The salt marsh is dominated by Spartina alternaflora (Saltmarsh Cordgrass, OBL), Spartina patens (Saltmeadow Cordgrass, FACW+), Phragmites australis (Common Reed, FACW), and Juncus gerardii (Saltmeadow Rush, FAW+). A high marsh ecotone is present along diked areas surrounding impoundments near the salt marsh. Species dominant in the high marsh are commonly found in disturbed areas, and include Ailanthus altissima (Tree of Heaven, NL), Prunus serotina (Black Cherry, FACU), Morus rubra (Red Mulberry, FACU), Robina pseudo-acacia (Black Locust, FACU-), and Gleditsia triacanthus (Honey Locust, FAC-). Closer to the salt marsh/high marsh ecotone boundary are Bacharis halimifolia (Eastern false-willow, FACW) and Iva frutescens (Big-leaf sumpweed, FACW+) shrubs. Chrysanthemum leucanthemum (Oxeye Daisy, NL), Verbascum blattaria (Moth Mullein, NL), and Ipomoea lacunsoa (Small-flower White Morning-Glory, FACW) are present in the herbaceous layer.

2.5 Wildlife

Site inspection detected the presence of several mammals typical of coastal northern New Jersey. Several Ondatra zibethica (muskrat) were observed using fringes along the Rahway River as foraging area. An abundant population of O. zibethica was supported by observations of a large number of tracks and scats. Tracks made on impoundments by Didelphis marsupialis (opossum), Procyon lotor (raccoons), Sylvilagus floridanus (cottontail), and Rattus norvegicus (Norway rat) indicated that these generalists are also prevalent on the site and in the surrounding area.

During the site inspection a number of species were observed using various habitats on the site. Salt marshes along the Rahway River are used as feeding areas by Agelaius phoeniceus (redwinged blackbird) and a number of wading birds, including Ardea herodias (great blue heron), Casmerodius albus (common egret), and Egretta thula (snowy egret).

A. phoeniceus, Sturnus vulgaris (starling), Dumetella carolinensis (gray catbird), Hirundo rustrica (barn swallow), Mimus polyglottos (northern mockingbird), Cyanocitta cristata (blue jay), Corus brachyrhynchos (common crow), Zenaidura macroura (mourning dove), and the Turdus migratorius (American robin) were observed using the impoundment areas during the site inspection.

Impoundment areas periodically covered with water were used by *Branta canadensis* (Canada goose), *Anas platyrhynchos* (mallard), *Larus stricilla* (laughing gull), *Larus argentatus* (herring gull), and *Larus marinus* (great black-backed gull). As water dries down during summer, these areas may be used by the gulls as lofting areas (Burger, 1982).

Avian communities are dynamic, particularly in areas where habitats are dynamic and vary appreciably in response to changing seasons.

Amphibian habitats on the site are limited by the nature of the site and lack of habitat. *Malaclemys terrapin* (diamondback terrapin) may be associated with the Rahway River. *Bufo woodhousei fowleri* (Fowler's toad) may be found in the impoundment section of the site (Cochran and Goin 1970, Conant 1975). Neither of these species was observed during the site inspection.

2.6 Threatened and Endangered Species

In addition to surveys conducted during the site visit, particular emphasis was given to evaluating available habitat on the site and within the site vicinity that may support State and federally listed threatened and endangered species. A literature search was conducted to determine species habitat preferences to facilitate comparisons to existing habitats and vegetation associations on the site.

All wildlife species observed on site or described above are typical of the habitats common throughout coastal northern New Jersey. No habitats observed on the site are considered critical for any State or federally threatened or endangered species. No specimen trees were observed in the area of the repair activities.

3. Relevant N.J.A.C. 7:7E Rules

Maintenance and repair activities to be permitted on the site occur within 100 feet of a coastal tidal wetland, as regulated under the New Jersey Wetlands Act of 1970 (N.J.S.A. 13:9-1 et seq.), and must, therefore, meet requirements outlined in the New Jersey Costal Permit Program Rules (N.J.A.C. 7:7), and Costal Zone Management Rules (N.J.A.C. 7:7E). The following sections address N.J.A.C 7:7E rules relevant to proposed activities to be permitted on the site. Section 3.1 addresses Special Areas (Subchapter 3); Section 3.2 addresses General Areas (Subchapter 5); Section 3.3 addresses Use Rules (Subchapter 7); Section 3.4 addresses Resource Rules (Subchapter 8). Other Subchapters listed in N.J.A.C. 7:7E are not applicable to the maintenance and repair activities.

3.1 Subchapter 3 – Special Areas

Based on site inspection, the following special areas are considered applicable to maintenance and repair activities. Special areas were considered not applicable if areas to be disturbed by proposed activities do not include the particular special area type (e.g., 7:7E-3.3 Surf Clam Areas) and/or if areas to be disturbed by proposed activities were determined to be outside of a designated special area (e.g., 7:7E-3.44 Pinelands National Reserve).

7:7E-3.4 Prime Fishing Areas

Prime fishing areas include tidal water areas and water's edge areas which have a demonstrable history of supporting a significant local quantity of recreational or commercial fishing activity. The activities to be authorized under this permit are located outside of the mean high tide line on the site. Therefore, aquatic resources on which commercial or recreational fish are dependent will not be impacted. The activities will not change the bathymetry of aquatic areas surrounding the site and will not result in the discharge of domestic or industrial wastes to surrounding aquatic areas.

Access to potentially viable fishing waters will not change due to proposed activities as no new structures will be constructed (i.e., proposed activities only call for repair of existing structures). Additionally, the waters upstream of a line near Tufts Point on the Arthur Kill (this includes the Rahway River) are condemned and closed by the NJDEP to the harvest of clams, mussels, and oysters (Chart 1, 2003 NJ Shellfish Growing Water Classification Charts, N.J.A.C. 7:12 et seq.). Recreational fisheries are limited by accessibility issues in both the Rahway River and Arthur Kill systems in areas surrounding the site.

7:7E-3.5 Finfish Migratory Pathways

Finfish migratory pathways are waterways (including streams or creeks) which can be demonstrated to serve as passageways for diadromous fish during movement to or from seasonal spawning areas. Species of concern include alewife (Alosa pseudoharengus), blueback herring (A. aestivalis), American shad (A. sappissima), striped bass (Morone saxatilis), Atlantic sturgeon (Acipenser oxyrhynchus), shortnose sturgeon (Ac. brevirostrum), and American eel (Anguilla rostrata). Proposed activities to be authorized under this permit will be conducted outside of the mean high tide line on the site. Therefore, aquatic resources on which finfish species of concern are dependant will not be impacted. Proposed activities will not create a physical barrier to the movement of fish along migratory pathways, nor will it result in changes to water quality to an extent that would interfere with finfish migration.

Additionally, the Rahway River and its tributaries may potentially act as habitats for migratory fishes. However, based on similar conditions in other highly urbanized river systems in New Jersey it is reasonable to expect that, while potentially present, populations of any of the species of concern are likely absent.

7:7E-3.15 Intertidal and Subtidal Shallows

Intertidal and subtidal shallows are permanently or temporarily submerged wetland areas from the spring high water line to a depth of four feet below mean water. Proposed activities will be conducted in upland areas, landward of any tidal wetlands and will therefore not impact intertidal or subtidal shallows. No development, filling, dredging, or other disturbance will occur in these areas.

7:7E-3.23 Filled Water's Edges

The filled water's edge areas are existing filled areas lying between wetlands or water areas and either the upland limit of fill, or the first paved public road or railroad landward of the adjacent water area, whichever is closer to the water. Impoundments on the site occupy approximately 85 acres. Each impoundment is surrounded by a dike to contain fill material and stormwater. Water's edge areas surrounding impoundments on the site are separated from navigable waterways by extensive subtidal and intertidal shallows and are historically inaccessible. Proposed activities will not result in changes to accessibility of water's edges surrounding the site.

7:7E-3.25 Flood Hazard Area

Flood hazard areas are comprised of the floodway and flood fringe area around rivers, creeks, streams, and coastal water bodies as delineated by NJDEP under the Flood Hazard Control Act (N.J.S.A. 58:16A-50), or by the Federal Emergency Management Agency (FEMA). Flood hazard areas are subject to either tidal or fluvial flooding, based on limits of the 100 year floodplain. Permitted activities will be conducted above the limits of the 100 year flood zone, approximately 9 feet amsl, and will not impact the flood hazard area.

7:7E-3.27 Wetlands

Wetlands are areas inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. The U.S. Fish and Wildlife Service National Wetlands Inventory for New Jersey (completed during 1976 and 1977) identified several wetlands associated with the Rahway River on their Arthur Kill, NY-NJ Quadrangle. Based on a wetlands delineation conducted at the site and the approved wetlands boundary lines identified in the March 13, 1998 LOI, which is currently under review for extension by NJDEP LURP (NJDEP LURP File #1201-03-0003.1; Figure 2), repair activities will occur outside wetlands areas on the site.

7:7E-3.28 Wetland Buffers

Wetlands buffer or transition area means an area of land adjacent to a wetland which minimizes adverse impacts on the wetlands or serves as an integral component of the wetlands ecosystem. A wetlands buffer of up to 300 feet may be established for wetlands regulated under the Coastal Wetlands Act of 1970.

Areas to be disturbed by repair activities are within wetland buffer areas of coastal wetlands regulated under the New Jersey Wetlands Act of 1970 (N.J.S.A. 13:9-1 et seq.), and, therefore, may be subject to regulation by the Freshwater Wetlands Protection Act (N.J.A.C. 7:7A). However, in accordance with N.J.A.C. 7:7A-2.6(b)1.i.(8) "maintenance of artificial features including the repair, rehabilitation, replacement, maintenance, or

reconstruction of any previously authorized, currently serviceable structure, lawfully existing prior to July 1, 1989, or permitted under this chapter" in wetland transition areas does not require the submittal of a freshwater wetlands permit or waiver. Therefore, disturbance of wetland buffer areas by repair activities to be authorized under this permit do not require the submittal of a freshwater wetlands permit or waiver.

7:7E-3.34 Steep Slopes

Steep slopes are land areas with slopes greater than 15 percent, which are not adjacent to the shoreline and are, therefore, not coastal bluffs. Steep slopes may include manmade features such as fill areas. Side slopes of site impoundments range between 25 and 33 percent. Vegetative cover present on site impoundment side slopes, which provides erosion protection, will be disturbed to the least extent practical. Aspects of repair activities that must occur on steep slopes on the site (i.e., repair and improvement of the impoundment berm) will be conducted using best management practices to limit erosion potential, which may include use of erosion control mats or stabilization seeding.

7:7E-3.38 Endangered or Threatened Wildlife or Vegetation Species Habitats

Areas known to be inhabited on a seasonal or permanent basis by or to be critical at any stage in the life cycle of any wildlife (fauna) or vegetation (flora) identified as "endangered" or "threatened" species on official Federal or State lists of endangered or threatened species, or under active consideration for State or Federal listing, are considered Special Areas. No evidence of any rare plants, animals or natural communities was encountered during assessment activities.

7:7E-3.39 Critical Wildlife Habitats

Critical wildlife habitats are specified areas known to serve an essential role in maintaining wildlife, particularly in wintering, breeding, and migrating. No known areas of critical wildlife habitat exist on the site or will be disturbed by repair activities.

7:7E-3.41 Special Hazard Areas

Special hazard areas include areas with a known actual or potential hazard to public health, safety, and welfare, or to public or private property, such as the navigable air space around airports and seaplane landing area, potential evacuation zones and areas where hazardous substances as defined at N.J.S.A. 58:10-23.11b-k are used or disposed, including adjacent areas and areas of hazardous material contamination. The site was historically used for surface disposal of processed silica. The activities to be authorized under this permit will facilitate maintenance of impoundment structures thereby preventing release of and decreasing human and ecological contact with the contained materials.

7:7E-3.43 Special Urban Areas

Special urban areas are those municipalities defined in urban aid legislation (N.J.S.A. 52:27D-178) qualified to receive State aid to enable them to maintain and upgrade municipal services and offset local property taxes. Carteret Borough was designated as a Special Urban Area in 1993. The repair activities to be authorized under this permit will enhance the economic viability of the area by maintaining integrity of site impoundments thereby preventing release of and decreasing human and ecological contact with the contained materials.

7:7E-3.47 Geodetic Control Reference Marks

Geodetic control reference marks are traverse stations and benchmarks established or used by the New Jersey Geodetic Control Survey to determine location and elevation in land surveys. The New Jersey Geodetic Control Survey will be contacted prior to the disturbance of any reference points that may be located in areas to be disturbed by proposed activities. If possible, reference marks will be protected from disturbance. If reference marks occur in areas to be disturbed by repair activities and disturbance can not be avoided, the affected reference marks will be relocated by a licensed land surveyor.

3.2 Subchapter 4 – General Water Areas

General water areas are all water areas which are located below either the spring high water line or the normal water level of non-tidal water that are subject to the General Water Area rules and the Special Area rules. The Rahway River adjacent to the area of proposed activities meets classification requirements as a "medium rivers" as its watershed is less than 1,000 square miles [N.J.A.C. 7:7E-4.1(b)iv]. The Arthur Kill near the site meets classification requirements as a tidal gut or connection between two estuarine water bodies.

7:7E-4.13 Bridges

A bridge is any continuous structure spanning a water body, except for an overhead transmission line. Repair of the existing bridge on the site meets the conditions set forth by these requirements as there is a demonstrated need for a functional bridge to allow vehicular access to the impoundment berms for sampling, inspection, and maintenance.

7:7E-4.16 Dams and Impoundments

Dams and impoundments are structures that obstruct natural water flow patterns for the purpose of forming a contained volume of water. Site impoundments to be affected by proposed activities are outside of the mean high water mark, will not be altered in size or shape, and will not adversely affect navigation routes. Repair activities to be authorized by this permit are necessary to protect the integrity of the impoundment structures.

7:7E-4.17 Outfalls and Intakes

Outfalls and intakes are pipe openings that are located in water areas for the purpose of intake of water or discharge of effluent including sewage, stormwater, and industrial effluents. The culvert pipe (i.e., outfall) that currently serves to allow the flow of water below the gravel access road and bridge was not disturbed by repair activities to be authorized under this permit. Additionally, no outfalls will be added in repair of the impoundment berms. Therefore, no change in existing conditions of outfalls present on the site will occur due to the repair activities.

3.3 Subchapter 5 – Requirements for Impervious Cover and Vegetative Cover for General Land Areas and Certain Special Areas

General Land Areas includes all mainland land features located upland of special water's edge areas. General Land Area rules apply in all General Land Areas, including those land areas that are also Special Areas, where compliance must be reached with both the General Land Area and Special Area rules. The site is located upland of a special water's edge area, and portions of the site are considered Special Areas due to their classification as a Special Water Areas, Special Water's Edge Areas, and Coastwide Special Areas.

The proposed activities to be authorized by this permit will comply with both the General Land Area and Special Area rules. The activities to be authorized under this permit will not result in the increase of impervious

surfaces, and will not substantially disturb the vegetative character of the site. Where the applicable General and Special Area rules differ, the activities will conform to the Special Area rules.

3.4 Subchapters 6 and 7 – Location Rules and Use Rules

Use rules address specific forms of development. Use rules do not preempt location rules which restrict development, unless specifically stated. In general, they introduce conditions which must be satisfied in addition to Location rules and Resource rules for development activities that would increase existing structures or result in new structures. The activities to be authorized under this permit will not result in an increase in development or new development, and solely encompass maintenance and repair activities of existing features. Therefore, the site is not subject to Location rules as specified in N.J.A.C. 7:7E Subchapter 6 or Use Rules as specified in N.J.A.C 7:7E Subchapter 7.

3.5 Subchapter 8 - Resource Rules

Subchapter 8 presents standards NJDEP uses to assess permitted activities in terms of their effects on various resources of the built and natural environment of the costal zone, both on the site and in the surrounding region.

7:7E-8.2 Marine Fish and Fisheries

Marine fish are marine and estuarine animals other than marine mammals and birds. Proposed activities to be authorized under this permit will be conducted outside of the mean high tide line on the site. Therefore, aquatic resources on which marine fish and fishery functions are dependant will not be impacted. Access to potentially viable fishing waters will not change due to proposed activities as no new structures will be constructed (i.e., proposed activities only call for repair of existing structures). Additionally, the waters upstream of a line near Tufts Point on the Arthur Kill (this includes the Rahway River) are condemned and closed by the NJDEP to the harvest of clams, mussels, and oysters (Chart 1, 2003 NJ Shellfish Growing Water Classification Charts, N.J.A.C. 7:12 et seq.). Recreational fisheries are limited by accessibility issues in both the Rahway River and Arthur Kill systems in areas surrounding the site.

7:7E-8.4 Water Quality

Federal, state, and local water quality requirements established under the Clean Water Act shall be the water resource standards of the coastal management program. These requirements include not only the minimum requirements imposed under the Clean Water Act but also the additional requirements adopted by states, localities, and interstate agencies pursuant to Section 510 of the Clean Water Act and such statutes as the New Jersey Water Pollution Control Act. In the waters under the jurisdiction of the Interstate Sanitation Commission in the New Jersey-New York metropolitan area, the requirements include the Interstate Sanitation Commission's Water Quality Regulations. Department rules related to water pollution control and applicable throughout the entire costal zone include, for example, the Surface Water Quality Standards (N.J.A.C. 7:9-4), the rules concerning Wastewater Discharge Requirements (N.J.A.C. 7:9-5), the Ground-Water Quality Standards (N.J.A.C. 7:9-6) and the Regulations Concerning the New Jersey Pollutant Discharge Elimination System (N.J.A.C. 7:14A). The repair activities to be authorized under this permit will not result in the release of any potential pollutants to surrounding waters, and will comply with the aforementioned water quality regulations.

7:7E-8.8 Vegetation

Vegetation is the plant life or total plant cover that is found on a specific area, whether indigenous or introduced by humans. Activities to be authorized under this permit will not substantially affect the vegetative character of the site. Some areas of herbaceous cover may be removed during repair of impoundment berms and during installation of bridge foundations. Following completion of proposed activities, disturbed areas will be seeded with a native seed mix to reestablish vegetative cover.

7:7E-8.11 Public Access to the Waterfront

Public access to the waterfront is the ability of all members of the community at large to pass physically and visually to, from, and along the ocean shore or other waterfronts. Access to the Carteret facility is presently only available through adjacent industrial properties; Areas surrounding impoundments on the site are separated from navigable waterways by extensive subtidal and intertidal shallows and are historically inaccessible. Currently, public access is not available to the site or the surrounding facilities and no linear access way is provided to either side of the site. Repair activities will not result in changes to the public's accessibility of water's edges surrounding the site.

4. Conclusions

This report addresses those specific Location, Use and Resource Policies, established under the Coastal Zone Management Rules (N.J.A.C. 7:7E), that are applicable to potential environmental impacts of proposed activities to be authorized under this permit. Based on a site inspection, assessment of available site data, and review of the relevant Coastal Zone Management Rules (N.J.A.C. 7:7E Subchapters 3 through 8), no substantial or long-term adverse environmental effects on the site or site vicinity are anticipated from maintenance and repair activities. Additionally, the LOI approved by NJDEP LURP on March 13, 1998 (NJDEP LURP File #1201-97-0004.1), indicates that proposed activities to be authorized under this permit, which are maintenance activities of existing artificial features, will occur in the buffer zone of coastal wetland areas as defined by the Wetlands Act of 1970, and are therefore exempt from any transition zone permitting requirements by the Freshwater Wetlands Act Rules (N.J.A.C. 7:7A-2.6(b)1.i.(8)). In addition to the required portions of this permit, necessary materials to complete the Borough of Carteret Zoning/Building permit will be submitted to the proper agents to complete repair activities.

5. References

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Wetland Species Acronynms

OBL: A plant species that is generally (>99% of the time) found only in wetlands under natural conditions.

FACW: A plant species that usually (>66% - 99% of the time) is found in wetlands, but which may be found occasionally in uplands under natural conditions.

FAC: A plant species that is sometimes (>33% - 66% of the time) is found in wetlands, but which may also be commonly found in uplands.

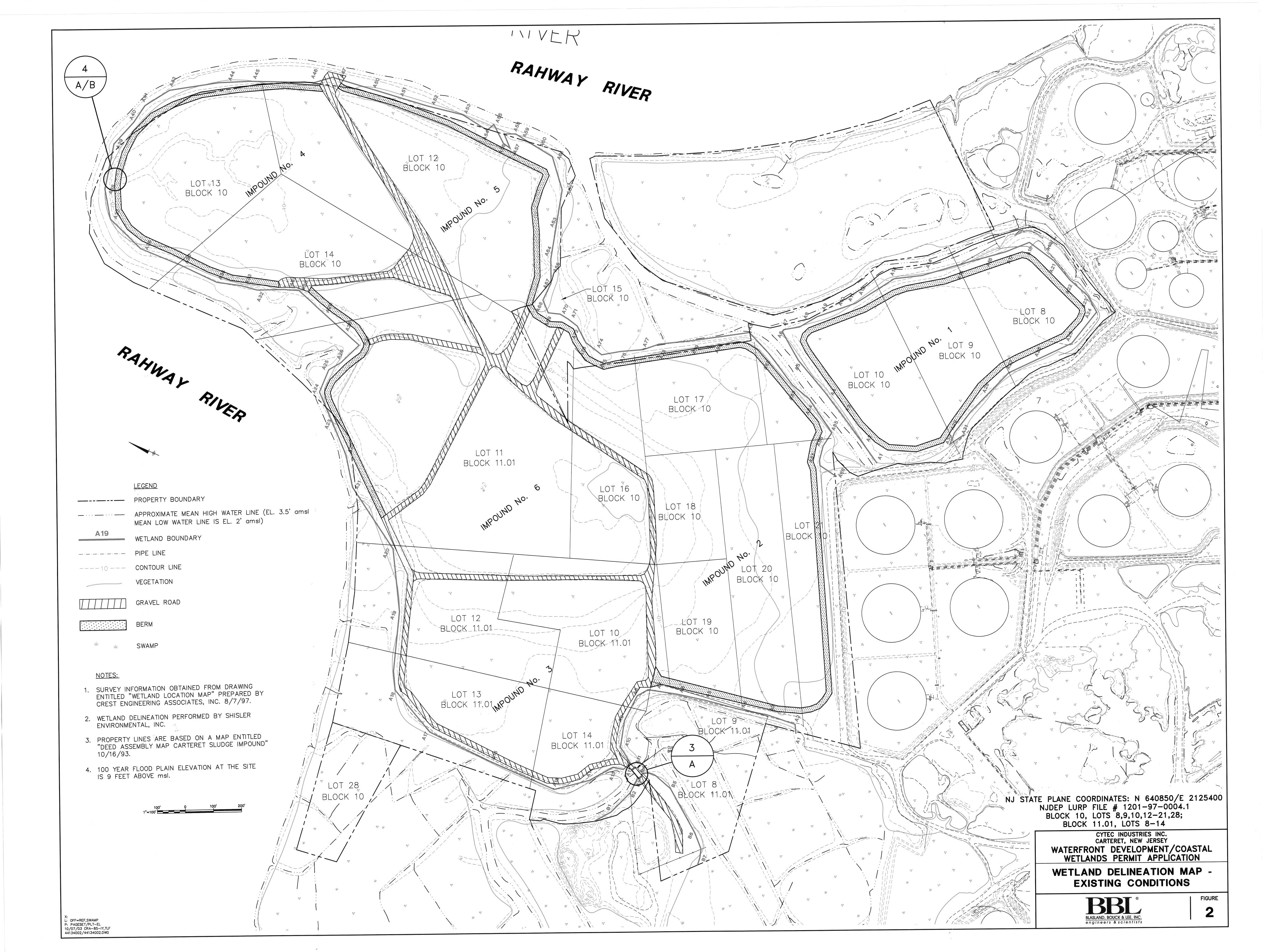
FACU: A plant species that is seldom (<33% of the time) found in wetlands and that usually occurs in uplands.

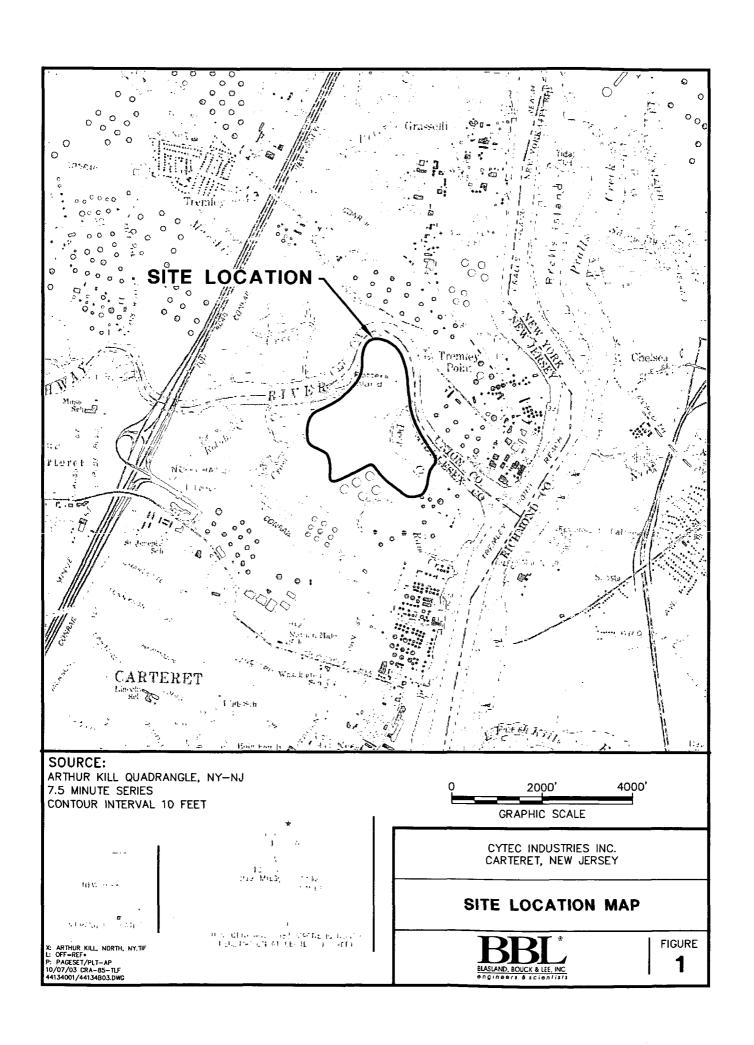
NL: A plant species not listed

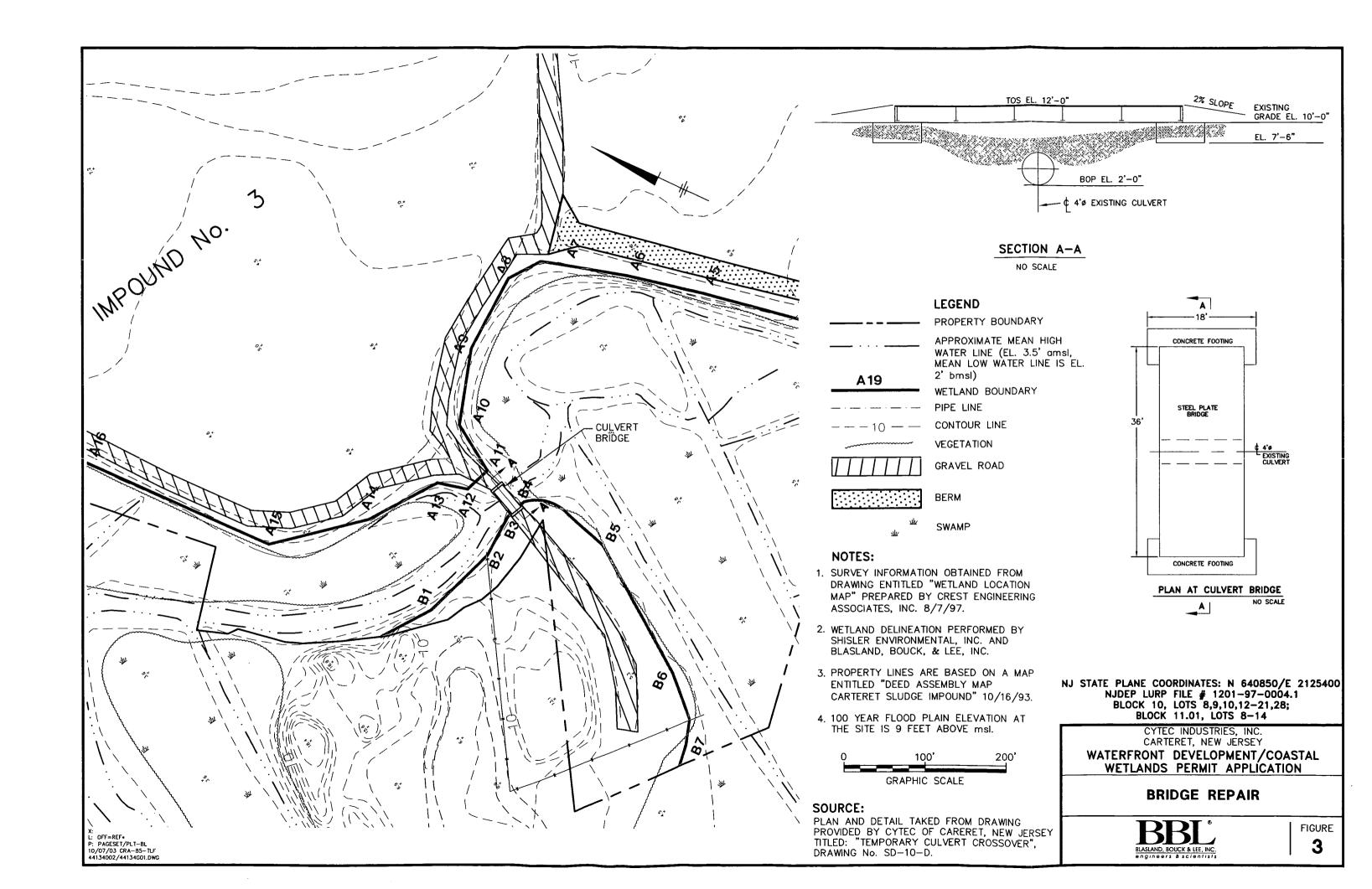
Note: a negative sign (-) indicates a species less frequently found in wetlands. A positive sign (+) indicates a species more frequently found in wetlands. (Reed, 1986)

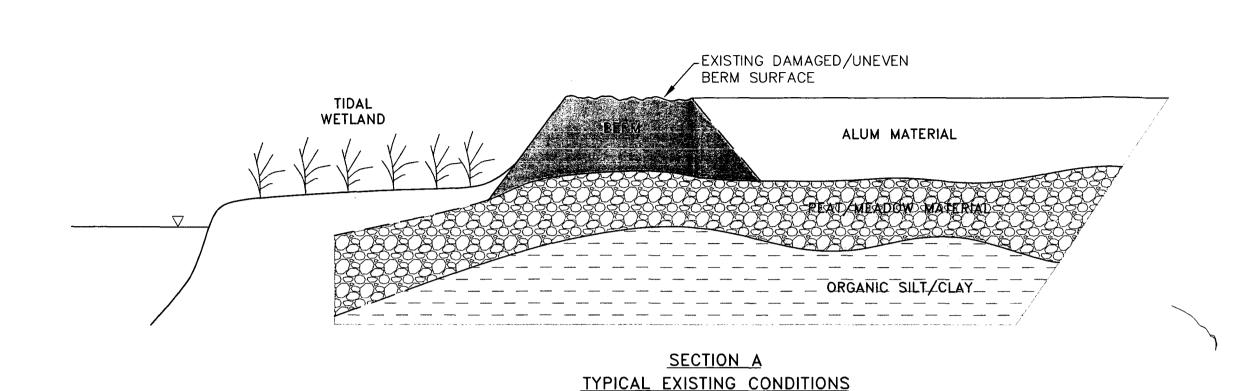
FIGURES

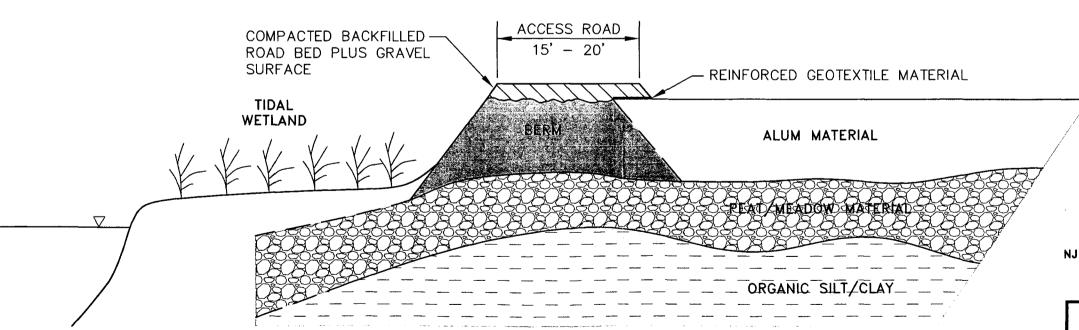
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SECTION B
PROPOSED REPAIRS TO EXISTING BERM CONDITIONS

(ESTABLISHES ACCESS ROAD AND REPAIRS DAMAGED SECTION AT A38 - SEE WETLAND DELINEATION MAP)

NJ STATE PLANE COORDINATES: N 640850/E 2125400 NJDEP LURP FILE # 1201-97-0004.1 BLOCK 10, LOTS 8,9,10,12-21,28; BLOCK 11.01, LOTS 8-14

CARTERET INDUSTRIES, INC. CARTERET, NEW JERSEY

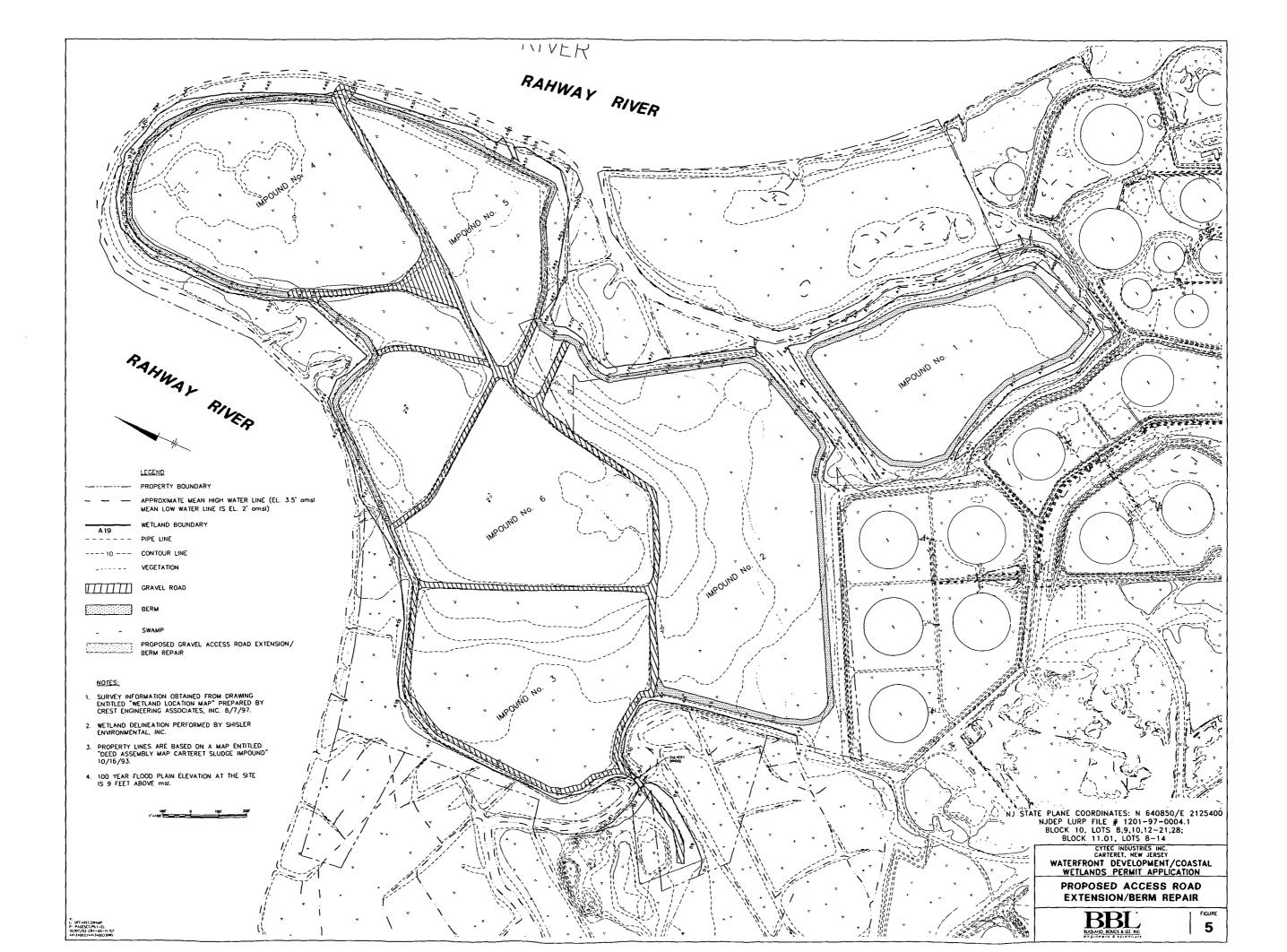
WATERFRONT DEVELOPMENT/COASTAL WETLANDS PERMIT APPLICATION

PROPOSED BERM REPAIR

BBI BLASLAND, BOUCK & LEE, INC.

FIGURE

L: OFF=REF+ P: PAGESET/PLT-BL 10/07/03 CRA-85-TLF 44134002/44134N01.DWG



ATTACHMENT 5
DEVELOPMENT PLAN

